



Sen. Melinda Bush

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LRB099 03159 NHT 33960 a

1 AMENDMENT TO SENATE BILL 224

2 AMENDMENT NO. _____. Amend Senate Bill 224 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 7-6 and 7-14 as follows:

6 (105 ILCS 5/7-6) (from Ch. 122, par. 7-6)

7 Sec. 7-6. Petition filing; Notice; Hearing; Decision.

8 (a) Upon the filing of a petition with the secretary of the
9 regional board of school trustees under the provisions of
10 Section 7-1 or 7-2 of this Act the secretary shall cause a copy
11 of such petition to be given to each board of any district
12 involved in the proposed boundary change and shall cause a
13 notice thereof to be published once in a newspaper having
14 general circulation within the area of the territory described
15 in the petition for the proposed change of boundaries.

16 (b) When a joint hearing is required under the provisions

1 of Section 7-2, the secretary also shall cause a copy of the
2 notice to be sent to the regional board of school trustees of
3 each region affected. Notwithstanding the foregoing provisions
4 of this Section, if the secretary of the regional board of
5 school trustees with whom a petition is filed under Section 7-2
6 fails, within 30 days after the filing of such petition, to
7 cause notice thereof to be published and sent as required by
8 this Section, then the secretary of the regional board of
9 school trustees of any other region affected may cause the
10 required notice to be published and sent, and the joint hearing
11 may be held in any region affected as provided in the notice so
12 published.

13 (b-5) If a petition filed under subsection (a) of Section
14 7-1 or under Section 7-2 proposes to annex all the territory of
15 a school district to another school district, the petition
16 shall request the submission of a proposition at a regular
17 scheduled election for the purpose of voting for or against the
18 annexation of the territory described in the petition to the
19 school district proposing to annex that territory. No petition
20 filed or election held under this Article shall be null and
21 void, invalidated, or deemed in noncompliance with the Election
22 Code because of a failure to publish a notice with respect to
23 the petition or referendum as required under subsection (g) of
24 Section 28-2 of that Code for petitions that are not filed
25 under this Article or Article 11E of this Code.

26 (c) When a petition contains more than 10 signatures the

1 petition shall designate a committee of 10 of the petitioners
2 as attorney in fact for all petitioners, any 7 of whom may make
3 binding stipulations on behalf of all petitioners as to any
4 question with respect to the petition or hearing or joint
5 hearing, and the regional board of school trustees, or regional
6 boards of school trustees in cases of a joint hearing may
7 accept such stipulation in lieu of evidence or proof of the
8 matter stipulated. The committee of petitioners shall have the
9 same power to stipulate to accountings or waiver thereof
10 between school districts; however, the regional board of school
11 trustees, or regional boards of school trustees in cases of a
12 joint hearing may refuse to accept such stipulation. Those
13 designated as the committee of 10 shall serve in that capacity
14 until such time as the regional superintendent of schools or
15 the committee of 10 determines that, because of death,
16 resignation, transfer of residency from the territory, or
17 failure to qualify, the office of a particular member of the
18 committee of 10 is vacant. Upon determination that a vacancy
19 exists, the remaining members shall appoint a petitioner to
20 fill the designated vacancy on the committee of 10. The
21 appointment of any new members by the committee of 10 shall be
22 made by a simple majority vote of the remaining designated
23 members.

24 (d) The petition may be amended to withdraw not to exceed a
25 total of 10% of the territory in the petition at any time prior
26 to the hearing or joint hearing; provided that the petition

1 shall after amendment comply with the requirements as to the
2 number of signatures required on an original petition.

3 (e) The petitioners shall pay the expenses of publishing
4 the notice and of any transcript taken at the hearing or joint
5 hearing; and in case of an appeal from the decision of the
6 regional board of school trustees, or regional boards of school
7 trustees in cases of a joint hearing, or State Superintendent
8 of Education in cases determined under subsection (l) of this
9 Section, the appellants shall pay the cost of preparing the
10 record for appeal.

11 (f) The notice shall state when the petition was filed, the
12 description of the territory, the prayer of the petition and
13 the return day on which the hearing or joint hearing upon the
14 petition will be held which shall not be more than 15 nor less
15 than 10 days after the publication of notice.

16 (g) On such return day or on a day to which the regional
17 board of school trustees, or regional boards of school trustees
18 in cases of a joint hearing shall continue the hearing or joint
19 hearing the regional board of school trustees, or regional
20 boards of school trustees in cases of a joint hearing shall
21 hear the petition but may adjourn the hearing or joint hearing
22 from time to time or may continue the matter for want of
23 sufficient notice or other good cause.

24 (h) Prior to the hearing or joint hearing the secretary of
25 the regional board of school trustees shall submit to the
26 regional board of school trustees, or regional boards of school

1 trustees in cases of a joint hearing maps showing the districts
2 involved, a written report of financial and educational
3 conditions of districts involved and the probable effect of the
4 proposed changes. The reports and maps submitted shall be made
5 a part of the record of the proceedings of the regional board
6 of school trustees, or regional boards of school trustees in
7 cases of a joint hearing. A copy of the report and maps
8 submitted shall be sent by the secretary of the regional board
9 of school trustees to each board of the districts involved, not
10 less than 5 days prior to the day upon which the hearing or
11 joint hearing is to be held.

12 (i) The regional board of school trustees, or regional
13 boards of school trustees in cases of a joint hearing shall
14 hear evidence as to the school needs and conditions of the
15 territory in the area within and adjacent thereto and the
16 effect detachment will have on those needs and conditions and
17 as to the ability of the districts affected to meet the
18 standards of recognition as prescribed by the State Board of
19 Education, and shall take into consideration the division of
20 funds and assets which will result from the change of
21 boundaries and shall determine whether it is to the best
22 interests of the schools of the area and the direct educational
23 welfare of the pupils that such change in boundaries be
24 granted, and in case non-high school territory is contained in
25 the petition the normal high school attendance pattern of the
26 children shall be taken into consideration. If the non-high

1 school territory overlies an elementary district, a part of
2 which is in a high school district, such territory may be
3 annexed to such high school district even though not contiguous
4 to the high school district. However, upon resolution by the
5 regional board of school trustees, or regional boards of school
6 trustees in cases of a joint hearing the secretary or
7 secretaries thereof shall conduct the hearing or joint hearing
8 upon any boundary petition and present a transcript of such
9 hearing to the trustees who shall base their decision upon the
10 transcript, maps and information and any presentation of
11 counsel.

12 (1) When considering the effect the detachment will
13 have on the direct educational welfare of the pupils, the
14 regional board of school trustees or the regional boards of
15 school trustees shall consider a comparison of the school
16 report cards for the schools of the affected districts and
17 the school district report cards for the affected districts
18 only if there is no more than a 3% difference in the
19 minority, low socio-economic, and non-English speaking
20 student populations of the relevant schools of the
21 districts.

22 (2) The community of interest of the petitioners and
23 their children and the effect detachment will have on the
24 whole child may be considered only if the regional board of
25 school trustees or the regional boards of school trustees
26 first determine that there would be a significant direct

1 educational benefit to the petitioners' children if the
2 change in boundaries were allowed.

3 (3) The regional board of school trustees or the
4 regional boards of school trustees may consider the
5 difference in the distances from the petitioning area to
6 the current schools and the petitioned-for schools only if
7 the difference is at least 10 miles shorter to one of the
8 petitioned-for schools.

9 (4) The regional board of school trustees or the
10 regional boards of school trustees may not grant a petition
11 if doing so will increase the percentage of minority, low
12 socio-economic, or non-English speaking students at the
13 school or the district from which the petitioning territory
14 will be detached and will decrease the percentage of those
15 students at the school or district to which the territory
16 will be attached.

17 (5) The regional board of school trustees or the
18 regional boards of school trustees may not consider whether
19 changing the boundaries will increase the property values
20 of the petitioners' property.

21 (j) At the hearing or joint hearing any resident of the
22 territory described in the petition or any resident in any
23 district affected by the proposed change of boundaries may
24 appear in person or by an attorney in support of the petition
25 or to object to the granting of the petition and may present
26 evidence in support of his position.

1 (k) At the conclusion of the hearing, other than a joint
2 hearing, the regional superintendent of schools as ex officio
3 member of the regional board of school trustees shall within 30
4 days enter an order either granting or denying the petition and
5 shall deliver to the committee of petitioners, if any, and any
6 person who has filed his appearance in writing at the hearing
7 and any attorney who appears for any person and any objector
8 who testifies at the hearing and the regional superintendent of
9 schools a certified copy of its order.

10 (l) Notwithstanding the foregoing provisions of this
11 Section, if within 9 months after a petition is submitted under
12 the provisions of Section 7-1 the petition is not approved or
13 denied by the regional board of school trustees and the order
14 approving or denying that petition entered and a copy thereof
15 served as provided in this Section, the school boards or
16 registered voters of the districts affected that submitted the
17 petition (or the committee of 10, or an attorney acting on its
18 behalf, if designated in the petition) may submit a copy of the
19 petition directly to the State Superintendent of Education for
20 approval or denial. The copy of the petition as so submitted
21 shall be accompanied by a record of all proceedings had with
22 respect to the petition up to the time the copy of the petition
23 is submitted to the State Superintendent of Education
24 (including a copy of any notice given or published, any
25 certificate or other proof of publication, copies of any maps
26 or written report of the financial and educational conditions

1 of the school districts affected if furnished by the secretary
2 of the regional board of school trustees, copies of any
3 amendments to the petition and stipulations made, accepted or
4 refused, a transcript of any hearing or part of a hearing held,
5 continued or adjourned on the petition, and any orders entered
6 with respect to the petition or any hearing held thereon). The
7 school boards, registered voters or committee of 10 submitting
8 the petition and record of proceedings to the State
9 Superintendent of Education shall give written notice by
10 certified mail, return receipt requested to the regional board
11 of school trustees and to the secretary of that board that the
12 petition has been submitted to the State Superintendent of
13 Education for approval or denial, and shall furnish a copy of
14 the notice so given to the State Superintendent of Education.
15 The cost of assembling the record of proceedings for submission
16 to the State Superintendent of Education shall be the
17 responsibility of the school boards, registered voters or
18 committee of 10 that submits the petition and record of
19 proceedings to the State Superintendent of Education. When a
20 petition is submitted to the State Superintendent of Education
21 in accordance with the provisions of this paragraph:

22 (1) The regional board of school trustees loses all
23 jurisdiction over the petition and shall have no further
24 authority to hear, approve, deny or otherwise act with
25 respect to the petition.

26 (2) All jurisdiction over the petition and the right

1 and duty to hear, approve, deny or otherwise act with
2 respect to the petition is transferred to and shall be
3 assumed and exercised by the State Superintendent of
4 Education.

5 (3) The State Superintendent of Education shall not be
6 required to repeat any proceedings that were conducted in
7 accordance with the provisions of this Section prior to the
8 time jurisdiction over the petition is transferred to him,
9 but the State Superintendent of Education shall be required
10 to give and publish any notices and hold or complete any
11 hearings that were not given, held or completed by the
12 regional board of school trustees or its secretary as
13 required by this Section prior to the time jurisdiction
14 over the petition is transferred to the State
15 Superintendent of Education.

16 (4) If so directed by the State Superintendent of
17 Education, the regional superintendent of schools shall
18 submit to the State Superintendent of Education and to such
19 school boards as the State Superintendent of Education
20 shall prescribe accurate maps and a written report of the
21 financial and educational conditions of the districts
22 affected and the probable effect of the proposed boundary
23 changes.

24 (5) The State Superintendent is authorized to conduct
25 further hearings, or appoint a hearing officer to conduct
26 further hearings, on the petition even though a hearing

1 thereon was held as provided in this Section prior to the
2 time jurisdiction over the petition is transferred to the
3 State Superintendent of Education.

4 (6) The State Superintendent of Education or the
5 hearing officer shall hear evidence and approve or deny the
6 petition and shall enter an order to that effect and
7 deliver and serve the same as required in other cases to be
8 done by the regional board of school trustees and the
9 regional superintendent of schools as an ex officio member
10 of that board.

11 (m) Within 10 days after the conclusion of a joint hearing
12 required under the provisions of Section 7-2, each regional
13 board of school trustees shall meet together and render a
14 decision with regard to the joint hearing on the petition. If
15 the regional boards of school trustees fail to enter a joint
16 order either granting or denying the petition, the regional
17 superintendent of schools for the educational service region in
18 which the joint hearing is held shall enter an order denying
19 the petition, and within 30 days after the conclusion of the
20 joint hearing shall deliver a copy of the order denying the
21 petition to the regional boards of school trustees of each
22 region affected, to the committee of petitioners, if any, to
23 any person who has filed his appearance in writing at the
24 hearing and to any attorney who appears for any person at the
25 joint hearing. If the regional boards of school trustees enter
26 a joint order either granting or denying the petition, the

1 regional superintendent of schools for the educational service
2 region in which the joint hearing is held shall, within 30 days
3 of the conclusion of the hearing, deliver a copy of the joint
4 order to those same committees and persons as are entitled to
5 receive copies of the regional superintendent's order in cases
6 where the regional boards of school trustees have failed to
7 enter a joint order.

8 (n) Within 10 days after service of a copy of the order
9 granting or denying the petition, any person so served may
10 petition for a rehearing and, upon sufficient cause being
11 shown, a rehearing may be granted. The filing of a petition for
12 rehearing shall operate as a stay of enforcement until the
13 regional board of school trustees, or regional boards of school
14 trustees in cases of a joint hearing, or State Superintendent
15 of Education in cases determined under subsection (l) of this
16 Section enter the final order on such petition for rehearing.

17 (o) If a petition filed under subsection (a) of Section 7-1
18 or under Section 7-2 is required under the provisions of
19 subsection (b-5) of this Section 7-6 to request submission of a
20 proposition at a regular scheduled election for the purpose of
21 voting for or against the annexation of the territory described
22 in the petition to the school district proposing to annex that
23 territory, and if the petition is granted or approved by the
24 regional board or regional boards of school trustees or by the
25 State Superintendent of Education, the proposition shall be
26 placed on the ballot at the next regular scheduled election.

1 (Source: P.A. 94-1019, eff. 7-10-06.)

2 (105 ILCS 5/7-14) (from Ch. 122, par. 7-14)

3 Sec. 7-14. Bonded indebtedness-Tax rate.

4 (a) Beginning on January 1, 2015, whenever the boundaries
5 of any school district are changed by the attachment or
6 detachment of territory, the territory that is detached shall
7 remain liable for its proportionate share of the bonded
8 indebtedness and financial obligations to the Capital
9 Development Board of the school district from which the
10 territory is detached. The annexing district shall not, except
11 pursuant to the approval of a resolution by the school board of
12 the annexing district prior to the effective date of the change
13 of boundaries, assume or be responsible for any of the bonded
14 indebtedness or financial obligations to the Capital
15 Development Board of the district from which the territory is
16 detached. If the annexing district does not assume the
17 detaching territory's proportionate share of the bonded
18 indebtedness of the district from which the territory is
19 detaching, a tax rate for that bonded indebtedness shall be
20 determined in the manner provided in Section 19-7 of this Code,
21 and the county clerk or clerks shall annually extend taxes for
22 each bond outstanding on the effective date of the change of
23 boundaries against all of the taxable property situated within
24 the territory that is detached and within the detaching
25 district. After the effective date of the change of boundaries,

1 all of the property situated within the annexing school
2 district, including the detaching territory, shall be liable
3 for the bonded indebtedness and financial obligations to the
4 Capital Development Board of that district as it exists on the
5 effective date of the change of boundaries and any date
6 thereafter. ~~Except as provided in subsection (b), whenever the~~
7 ~~boundaries of any school district are changed by the annexation~~
8 ~~or detachment of territory, each such district as it exists on~~
9 ~~and after such action shall assume the bonded indebtedness, as~~
10 ~~well as financial obligations to the Capital Development Board~~
11 ~~pursuant to Section 35-15 (now repealed) of this Code, of all~~
12 ~~the territory included therein after such change. The tax rate~~
13 ~~for bonded indebtedness shall be determined in the manner~~
14 ~~provided in Section 19-7 of this Act, except the County Clerk~~
15 ~~shall annually extend taxes against all the taxable property~~
16 ~~situated in the county and contained in each such district as~~
17 ~~it exists after the action. Notwithstanding the provisions of~~
18 ~~this subsection, if the boundaries of a school district are~~
19 ~~changed by annexation or detachment of territory after June 30,~~
20 ~~1987, and prior to September 15, 1987, and if the school~~
21 ~~district to which territory is being annexed has no outstanding~~
22 ~~bonded indebtedness on the date such annexation occurs, then~~
23 ~~the annexing school district shall not be liable for any bonded~~
24 ~~indebtedness of the district from which the territory is~~
25 ~~detached, and the school district from which the territory is~~
26 ~~detached shall remain liable for all of its bonded~~

1 ~~indebtedness.~~

2 (b) Whenever a school district with bonded indebtedness has
3 become dissolved under this Article and its territory annexed
4 to another district, the annexing district or districts shall
5 not, except by action pursuant to resolution of the school
6 board of the annexing district prior to the effective date of
7 the annexation, assume the bonded indebtedness of the dissolved
8 district; nor, except by action pursuant to resolution of the
9 school board of the dissolving district, shall the territory of
10 the dissolved district assume the bonded indebtedness of the
11 annexing district or districts. If the annexing district or
12 districts do not assume the bonded indebtedness of the
13 dissolved district, a tax rate for the bonded indebtedness
14 shall be determined in the manner provided in Section 19-7, and
15 the county clerk or clerks shall annually extend taxes for each
16 outstanding bond issue against all the taxable property that
17 was situated within the boundaries of the district as the
18 boundaries existed at the time of the issuance of each bond
19 issue regardless of whether the property is still contained in
20 that same district at the time of the extension of the taxes by
21 the county clerk or clerks.

22 (c) Notwithstanding the provisions of Section 19-18 of this
23 Code, upon resolution of the school board, the county clerk
24 must extend taxes to pay the principal of and interest on any
25 bonds issued exclusively to refund any bonded indebtedness of
26 the annexing school district against all of the taxable

1 property that was situated within the boundaries of the
2 annexing district as the boundaries existed at the time of the
3 issuance of the bonded indebtedness being refunded and not
4 against any of the taxable property in the dissolved school
5 district, provided that (i) the net interest rate on the
6 refunding bonds may not exceed the net interest rate on the
7 refunded bonds, (ii) the final maturity date of the refunding
8 bonds may not extend beyond the final maturity date of the
9 refunded bonds, and (iii) the tax levy to pay the refunding
10 bonds in any levy year may not exceed the tax levy that would
11 have been required to pay the refunded bonds for that levy
12 year. The provisions of this subsection (c) are applicable to
13 school districts that were dissolved and their territory
14 annexed to another school district pursuant to a referendum
15 held in April of 2003. The provisions of this subsection (c),
16 other than this sentence, are inoperative 2 years after the
17 effective date of this amendatory Act of the 95th General
18 Assembly.

19 (Source: P.A. 94-1105, eff. 6-1-07; 95-1025, eff. 1-6-09.)".